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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,849	09/22/2006	Gudmar Olovson	37399-400600	4441
27717 7590 05/12/2008 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER BOSWORTH, KAMI A				
ART UNIT 4177		PAPER NUMBER		
MAIL DATE 05/12/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,849

Applicant(s)

OLOVSON, GUDMAR

Examiner

KAMI A. BOSWORTH

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 3/30/2007
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to the preliminary amendment filed on 9/22/2006 . As directed by the amendment: claims 1-3 have been amended. Thus, claims 1-3 are presently pending in this application.

Drawings

1. The drawings are objected to because Figure 2 is mislabeled. 10c is designated as a reference number for a portion of the means facing inwardly towards the container; however, Figure 2 shows reference number 10c denoting a different portion of the device. Also, reference number 3 refers to a container; however, no container is shown in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds 150 words and uses the term "means". Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: Line 31 of page 13 reads "facing inwardly towards the container 3"; however, for clarification, this line should be rewritten as "facing inwardly towards the center of the container 3".

Appropriate correction is required.

Claim Objections

5. Claim 1 is objected to because of the following informalities: In line 8, the term "mutually" should be changed to "mutual". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1 and 3 recite the limitation "said means". There is insufficient antecedent basis for this limitation in the claim. It is not clear what element is referred to by "said means".
9. Claim 1 recites the limitation "said piston" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

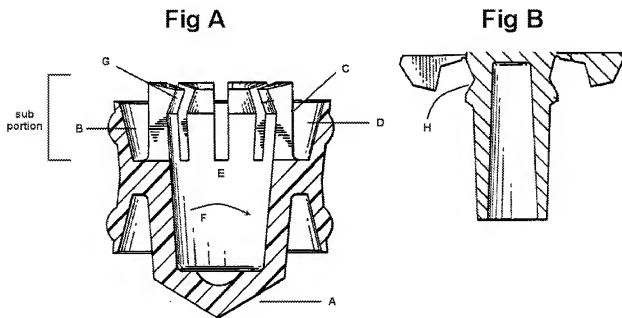
11. Claims 1 and 3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hammett (US Pat 5,181,912).
12. Re claim 1, Hammett discloses a syringe 10 (Fig 1) of non-reusable type comprising: a container 11 (Fig 1), a rod 16 (Fig 1) cooperating with said container, a piston unit 30 (Fig 1) inserted in and reciprocally disposed in said container, and a needle 14 (Fig 1); the rod being, by the intermediary of an axial displacement movement, reciprocally disposed in said container and displaying in its end portion, enclosed by the container, a first coupling device 23 (Fig 3) within a two-part coupling

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arrangement (Fig 3), whose second coupling device 47 (Fig 7) is related to said piston unit; and where said two coupling devices assume a mutual cooperation and an active position while the piston unit is, by the movement of the rod, displaced from a position, closely adjacent said needle, to a position distal from said needle and gradually brings said coupling devices towards and into an inactive position, while the piston unit is, by the movement of said rod, displaced from the position distal from the needle towards and/or to the position closely adjacent said needle, the two coupling devices permitting, in an inactive position, an axial movement of the rod to take place without cooperating with said piston unit (Col 2, Lines 25-36); wherein, said second coupling device is provided with a piston unit related means 34 (Fig 7), rotary coordinated with a piston A (best seen in Fig A below) within a piston unit; said unit displays a sub portion (best seen in Fig A below) adapted for a rotary cooperation with a recess B (best seen in Fig A below) in said piston unit; said means displays a supporting sliding surface C (best seen in Fig A below), facing towards a sliding surface D (best seen in Fig A below) provided on said piston unit where in any event one of said sliding surface is of a planar configuration; said means also displays a portion facing inwardly into the container with a sliding surface E (best seen in Fig A below) associated with the coupling device and given a configuration and a curvature F (best seen in Fig A below) associating to a cylindrical helix and/or to a conical helix, whereby said portion of the means facing inwardly into the container, displays a support surface G (best seen in Fig A below), oriented transversely of a centre line related to said means, and that said support surface is cooperating with a further support surface H (best seen in Fig B below), each

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adapted with a covering area to form surfaces which have a total area less than a cross section of said container and in said inactive position, said support surfaces are disposed laterally related and free from one another for a free passage of the support surface associated with the rod to pass the support surface associated with the piston (Col 5, Lines 63-68; Col 6, Lines 1-4).



13. Re claim 3, Hammett discloses a syringe wherein, a support 27 (Fig 3) associated with said first coupling device is in the form of a catch, oriented transversely of a centre line to said means.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammett in view of Landry et al. (US Pat 5,090,962).

16. Hammett discloses all the claimed features except for a sub-portion having a spherical configuration. Landry et al., however, teaches a sub-portion 128 (Fig 12) having a spherical configuration for the purpose of allowing rotary cooperation between a coupling device and the piston unit. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammett such that the sub-portion was given a spherical configuration, as taught by Landry et al., for the purpose of allowing rotary cooperation between a coupling device and the piston unit.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Helldin (US Pat 5,624,408) discloses a syringe having a couple mechanism with supporting sliding surfaces that dissociates a rod from a piston after one cycle of rearward then forward movements. Turnbull et al. (PG PUB 2002/0035350), Bedner et al. (US Pat 6,139,526), Marano (US Pat 5,722,951), and Vladimirovsky (US Pat 5,389,075) disclose non-reusable syringes that dissociate rod from

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piston after initial use. Murphy (US Pat 5,226,884) and Hesse (US Pat 4,731,068) disclose the use of a spherical recess as a socket for joining syringe components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMI A. BOSWORTH whose telephone number is (571)270-5414. The examiner can normally be reached on Monday - Thursday, 8:00 am to 4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang D. Thanh can be reached on (571)272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. A. B./
Examiner, Art Unit 4177

/Quang D. Thanh/
Supervisory Patent Examiner,
Art Unit 4177

